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EXHIBIT 3

Jason Barrat; AZ Bar No. 029086
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Kelsey Whalen; AZ Bar No. 037043
Jessica Miller; AZ Bar No. 031005

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Jason Fritch, an Arizona resident;

Plaintiff,

v.

**Orion Manufactured Housing
Specialists, Inc.**, an Arizona company;
and **L. James Miller**, an Arizona resident;

Defendants.

Case No. 4:21-cv-00509-JGZ-JR

**DECLARATION OF KELSEY
WHALEN**

(Assigned to the Hon. Jennifer G. Zipps)

1. I am a counsel of record for Plaintiff Jason Fritch in the above-entitled action.

I have been an attorney involved in this case since approximately August 20, 2022.

2. I submit this Declaration in support of Plaintiff's Motion for Award of Attorneys' Fees.

3. I have been a member in good standing of the State Bar of Arizona since being admitted to the bar on October 20, 2021. During my tenure as a litigator, my practice

1 has been devoted to plaintiff employment law, including wage and hour law. All of my
2 litigation cases are on a contingency basis.

3
4 4. I attended Eastern Kentucky University from August 2014 through May
5 2018, and successfully earned my bachelor's degree in sports management with a minor in
6 business.

7
8 5. Immediately following undergrad, I earned my *Juris Doctor* from Arizona
9 State University Sandra Day O'Connor College of Law in 2021. I passed the Arizona bar
10 and was licensed to practice law in October 2021.

11 6. From May 2019 until I became licensed to practice law in October 2021, I
12 worked in plaintiff's employment law as a law clerk at a law firm in Phoenix, Arizona.
13 Once licensed, I began practicing employment law and have since represented numerous
14 employment litigation plaintiffs in both Superior Court and the Federal Court for the
15 District of Arizona.
16

17 7. I am an attorney for the firm Weiler Law PLLC. All five attorneys (including
18 myself) at Weiler Law PLLC focus primarily on plaintiffs' employment litigation and wage
19 and hour claims.
20

21 8. I acted as co-counsel for this matter. I was responsible for assisting in
22 discovery and conducting depositions.

23
24 9. I have not received any payment for accrued attorneys' fees or costs.
25 Although the Plaintiff in this case was never obligated to pay an hourly rate, my hourly
26 rate is \$335 per hour. This hourly rate is commensurate with my experience level, and is
27 well within the standard hourly rates charged by other law firms in the Phoenix
28 Metropolitan Area, particularly given the skill level and time commitment required to

1 successfully litigate a FLSA lawsuit.

2 10. All attorneys at my firm maintain detailed daily time records on behalf of our
3 clients. Such time is recorded in 1/10th of an hour increments. Each time record is
4 maintained on the firm's computers, the firm's network, and then is backed-up online. All
5 fee records are prepared contemporaneously with the time or expense that is being billed.

6 11. I have personally rendered all of the services reflected in the Billing
7 Summaries under the initial "KW" (attached hereto as "**Exhibit 5**"). Those Billing
8 Summaries reflect the date that the service was rendered; a description of the work actually
9 performed; and the amount of time expended (in tenths of an hour).

10 12. As reflected in the summaries and **Exhibit 5**, my legal fees incurred in this
11 case total 8 hours at \$335 per hour to equal \$2,680.

12 13. Some of the entries included in **Exhibit 5** contain general descriptions of the
13 work performed and were prepared for the purpose of protecting attorney-client
14 communications.

15 14. During the course of my firm's representation of Plaintiff, I have exercised
16 billing judgment by striking items from this fee request that are duplicative, if any, or other
17 time for which the firm would not expect to be compensated.

18 15. In light of the foregoing, we request that the Court award their attorneys' fees
19 in the amount of **\$2,680**.

20 16. I declare under penalty of perjury that the foregoing is true and correct.

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RESPECTFULLY SUBMITTED August 1, 2023.

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WEILER LAW PLLC

By: /s/ Kelsey Whalen
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